

**ORDINANCE NO. 5
SERIES OF 2025**

**AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO, AMENDING THE
CARBONDALE MUNICIPAL CODE TO ALLOW THE TOWN CLERK TO
ADMINISTRATIVELY PROCESS CERTAIN LIQUOR LICENSE APPLICATIONS AND
TO REINSTATE CERTAIN ENFORCEMENT PROCEDURES FOR LIQUOR
LICENSES**

WHEREAS, the Board of Trustees of the Town of Carbondale finds that it is in the interest of the public health, safety, and welfare for the Town Clerk to have authority to administratively approve liquor license renewals, liquor license ownership transfers, and liquor license change-of-manager applications.

WHEREAS, the Board of Trustees also finds that it is in the interest of the public health, safety, and welfare to reinstate enforcement provisions in the Town Code concerning the suspension, revocation, or non-renewal of liquor licenses in the event of violations of local or state law.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, as follows:

SECTION 1: Section 6-1-80 of the Town of Carbondale Municipal Code, entitled “Issuance and renewal of license” is hereby amended by deleting the language stricken (in ~~bold strike-through~~) and adding language (in bold underline) as follows:

(a) The Board of Trustees shall act as the Local Liquor Licensing Authority and have exclusive authority to issue, renew, and approve the transfer of licenses to sell alcoholic and fermented malt beverages in accordance with the restrictions and limitations contained in C.R.S. §§ 44-3-101 et seq., 44-4-10, et seq., and 44-5-101 et seq., as may be amended from time to time. In the event grounds supported by probable cause exist for non-issuance, nonrenewal, or other enforcement of violations of a license, or for other good cause shown, the Board of Trustees may appoint a hearing officer to preside over a public hearing conducted in the manner provided for in Chapter 6, Article 7 of this Code entitled “Suspension, Revocation or Nonrenewal of a Liquor License, Retail Marijuana License, Medical Marijuana License, or Tobacco Product Retail License.” Section 6-1-90(b) of this Article.

(b) The Town Clerk shall have the authority to receive all applications; coordinate with other Town departments when appropriate; schedule required public hearings; and exercise the Town Clerk's discretion in forwarding applications for renewal of licenses, transfers of ownership, and applications for change of manager of a licensee to the Board of Trustees.

(c) As set forth below, the Town Clerk shall also have the authority to administratively review and approve applications for liquor license renewals; transfers of ownership, including corporate and trade name changes, and reports of changes for corporations, limited liability companies and partnerships; and changes of a licensee manager.

(1) Renewals. The Town Clerk is authorized to administratively review and approve an application for the renewal of any previously approved liquor license or fermented malt beverage license, where, after reasonable investigation by the Town Clerk and consultation by the Town Clerk with the Carbondale Police Department and other appropriate administrative personnel, all the following circumstances are found to exist:

(A) The applicant has timely and properly submitted a license renewal application and tendered all required fees in accordance with this Chapter and the provisions Title 44, C.R.S.;

(B) The applicant's license is in good standing with the Town and the State of Colorado, and no violation of law has occurred during the previous year;

(C) To the knowledge of the Town Clerk, there is no pending or proposed criminal or legal investigation or charges against the applicant or the licensed premises; and

(D) There is no other information known by the Town Clerk that would cause the Town Clerk to reasonably believe that some violation of applicable law has occurred or that the license should not be renewed.

(2) Changes of Manager of Licenses, The Town Clerk is authorized to administratively review and approve an application for the change of a manager for a licensed establishment where, after reasonable investigation by the Town Clerk and consultation by the Town Clerk with the Carbondale Police Department and other appropriate administrative personnel, all the following circumstances are found to exist:

(A) The applicant has timely and properly submitted a complete application for change of manager and tendered all required information in

accordance with this Chapter and the provisions of Title 44, C.R.S., and the new manager has presented himself to the Carbondale Police Department for fingerprinting and a background investigation; and

(B) There is no information known by the Town Clerk that could support denial of the application for change in manager under applicable law.

Notwithstanding any authority delegated to the Town Clerk for administrative approval of applications under this Section, the Town Clerk may, in his or her discretion, refer any licensing or permitting decision authorized to the Town Clerk to the Board of Trustees if, in the Town Clerk's opinion, the matter should be presented to the Local Liquor Licensing Authority. In the event the Town Clerk cannot or will not approve a transfer or renewal of a license, or the issuance of a temporary permit, or the approval of a change in manager of a licensee, then the Town Clerk shall refer the application to the Local Liquor Licensing Authority for consideration in accordance with applicable law. Written notice of the time and place of such consideration shall be mailed to the applicant by regular mail at least ten (10) days prior to consideration by the Local Liquor Licensing Authority and shall contain such facts or reasons relied upon by the Town Clerk in declining to issue the license or permit for approval. Notice of the proceeding shall also be timely published and posted on the subject premises in accordance with the requirements set forth in Section 44-3-311, C.R.S., and timely provided to any person who may have filed a protest against the issuance of the license with the Town Clerk. Additionally, any license or permit applicant, or any party in interest, as defined in Section 44-3-311(5)(b), C.R.S., who is dissatisfied with the decision of the Town Clerk under this Section may appeal the same to the Local Liquor Licensing Authority by filing a written protest with the Town Clerk not more than ten (10) days after the date of the decision appealed from. The Town Clerk shall promptly set the appeal for hearing before the Local Liquor Licensing Authority in accordance with the notice and hearing procedures described above.

(e) The Town Clerk shall not approve an application for the renewal or transfer of a license where the Carbondale Police Department has timely submitted written objections to the Town Clerk concerning such action. Whenever such an objection is received, the Town Clerk shall set the application for hearing before the Local Liquor Licensing Authority in accordance with the notice and hearing procedures described above.

(f) **The Town Clerk shall regularly report to the Local Liquor Licensing Authority in a timely manner all licensing actions taken by the Town Clerk under the provisions of this Section.**

(g)(b)—Upon receipt of an application for a temporary alcoholic beverage license or temporary permit, the Town Clerk shall determine whether the above-enumerated requirements applicable to the application have been met. Upon determination that all such requirements have been met, the Town Clerk shall grant the temporary license or permit. Upon determination that such requirements have either not been met or the Town Clerk is unable to determine whether all requirements have been met, the Town Clerk shall either deny the application or refer the application to the Board of Trustees for review and determination. The Town Clerk may request that the applicant supply any additional information he or she believes will assist in the determination of whether the requirements for issuance of a temporary license or permit have been met.

(h)(e)—Temporary licenses shall be issued under the same terms and conditions as provided in the licensee's expired or transferor's permanent annual license. A temporary license shall be valid only until the licensee's application for a permanent annual license has been fully acted upon, except that in no event shall a temporary license be valid for more than 120 days. In the case of a temporary permit pending transfer, the permit may be extended for an additional 60 days if good cause is shown.


(i)(d)—A temporary permit may be canceled, revoked or summarily suspended if the Local Liquor Licensing Authority determines that there is probable cause to believe that the transferee or applicant has violated any provision of Articles 3 or 4 of Title 44, C.R.S., has violated any rule, regulation or ordinance of the state liquor licensing authority or Local Liquor Licensing Authority or has failed to truthfully disclose those matters required pursuant to the application forms.

SECTION 2: This ordinance shall become effective 30 days after posting and publication in accordance with the Carbondale Home Rule Charter.

SECTION 3: Except as specifically expanded hereby, all prior Ordinances of the Town of Carbondale and the Carbondale Municipal Code shall remain in full force and effect.

INTRODUCED, READ AND PASSED this 9 day of December, 2025.

THE TOWN OF CARBONDALE, COLORADO


Ben Bohmfalk, Mayor

Attest:



Patrick F. Thibault, Town Clerk

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